

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

GREG SOUTHALL,	)	
	)	Cause No.
Plaintiff,	)	
	)	
v.	)	
	)	
AVI FOOD SYSTEMS, INC.,	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiff alleges against Defendant that:

1. The Plaintiff is Greg Southall, a qualified employee of the Defendant at all material times to this Complaint.
2. The Defendant is AVI Food Systems, Inc., a company doing business in Allen County Indiana. Defendant is an “employer” for purposes of 42 U.S.C. § 1981.
3. Plaintiff is a black/African American individual who was employed by the Defendant from August 5, 2019 until December 20, 2019. Plaintiff performed within the reasonable expectations of the Defendant at all material times to this Complaint.
4. During Plaintiff’s employment with Defendant, he suffered from a serious medical condition for which he was required to take medication. The medication caused minor drowsiness which in turn caused Plaintiff to close his eyes for a few seconds every now and again, which did not negatively affect his job performance. Defendant falsely accused Plaintiff of sleeping on the job and terminated him. Meanwhile, a similarly-situated Caucasian employee was caught sleeping on the job and was not fired.
5. Plaintiff contends that Defendant treated him more harshly than non-black employees

when administering discipline.

6. Plaintiff contends that the proffered reason for termination was false and pretextual, and that in reality, Defendant discriminated against him on the basis of his race and color in violation of 42 U.S.C. § 1981.
7. Defendant's illegal conduct was the direct and proximate cause of Plaintiff suffering the loss of his job and job-related benefits including income, and also subjected Plaintiff to inconvenience, emotional distress, mental anguish, and other damages and injuries. Due to the intentionality of Defendant's conduct, Plaintiff seeks punitive damages as well.

WHEREFORE, Plaintiff prays for judgment against the Defendant, for compensatory damages, punitive damages, attorney's fees and costs, and all other just and proper relief.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

**CHRISTOPHER C. MYERS & ASSOCIATES**

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